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Michael Chaves

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EXAMINER

PYO, MONICA M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/668,838	Applicant(s) CHAVES ET AL.	
	Examiner MONICA M. PYO	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/2009 has been entered.
2. Claims 8-24 are currently pending in this application. Claims 8, 15 and 21 are independent claims. In the Amendment filed 4/28/2009, claims 8-10, 13-15 and 21 are amended.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 8, 15 and 21, these claims recite the limitation “that modified search is a second search on the search results that performs the join or the merge (i.e., lines 17-18 of claim 8). However, the specification does not disclose the feature of “modified search is a second search.” Thus, these claimed limitations constitute new matter since there was no support for these claim limitation in the original specification.

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Claims not specifically mentioned above are rejected by virtue of their dependency to rejected claim.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8, 15 and 21, these claims recite the limitation “which search results obtained from executing the search query are to be filtered via a join or merge” (in lines 9-10 of claim 8) and “the control field identifier identifies a particular field in the data store that is used as a search filter on the search results, the search filter is the modified search” (i.e., lines 16-17 of claim 8). Does it refer to two separate “a search filter” or does it refer to same “search filter”? It appears that the claimed limitation is inconsistent with applicant’s disclosure. Clarification is required.

In addition, it is unclear what is meant by the phrase “the control field identifier identifies a particular field in the data store that is used as a search filter on the search results, the search filter is the modified search” and “that modified search is a second search on the search results that performs the join or the merge” due to the confusing nature of wording therein.

Claims not specifically mentioned above are rejected by virtue of their dependency to rejected claim.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-12, 15-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,003,730 issued to Dettinger et al. (hereinafter Dettinger) in view of U.S. Patent No. 7,447,676 issued to Zait (hereinafter Zait).

Regarding Claims 8, 15 and 21, as far as the claims are understood, Dettinger discloses a method for providing a search query implemented in a computer-readable medium and to execute on a computer, comprising:

A). providing an Application Programming Interface (API) for receiving a search constraint and a control field identifier, as a graphical user interface receiving search queries with field specifications (Dittinger: col. 4, lns. 23-40; col. 6, lns. 32-57; col. 9, lns. 24-38; col. 9, table 1); **and**

B). providing a search generating module interfaced to the API (i.e., GUI) for automatically generating a search query from the search constraint and the control field identifier (i.e., queries issued by the application 240 may be generated in response to user input), **wherein the search constraint defines an operand and an operator for the search query being generated** (i.e., plurality of field specifications) **and wherein a control field defines a**

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control field of a data store from which search results obtained from executing the search query are to be filtered via join or merge (i.e., the Concrete Query Contribution generated for the current field is added to a Concrete Query Statement) **and the control field identifier is separate and apart from the search constraint** (i.e., field specification with a logical field name and an associated access method) **and the control field identified by the control field identifier is further used as a modified search** (i.e., changed search query with added conditions) **to filter the search results for identical values of the control field**, as the refreshed or updated GUI shows all three added query conditions each of which were added by the user (Dittinger: col. 6, lns. 14-31; col. 7, lns. 50-col. 8, lns. 5; col. 9, lns. 24-38; col. 10, lns. 24-col. 11, lns. 18; col. 13, lns. 26-46; col. 16, lns. 48-59; figs. 3A, 3B & 4).

C). wherein when the search query is executed records from the data store are returned representing data store records that satisfy the search constraint and have identical values for the control field identifier for each customer identification value, and the control field identifier identifies a particular field in the data store that is used as a search filter on the search results, the search filter is the modified search, as query to return a firstname and lastname to meet search constraint and a specific name search result (Dettinger: col. 10, lns. 24-col. 11, lns. 18; col. 16, lns. 3-29, col. 17, lns. 34-42; col. 18, table III),

Although Dettinger discloses the system performing a searching by adding a current field into a Concrete Query Statement (Dettinger: col. 9, lns. 66-col. 11, lns. 18; fig. 4), Dettinger does not explicitly disclose the system in performing a searching join or merge operation and the feature of modified search is a second search on the search results that performs the join or the merge, however such features are very well known in the art as disclosed in Zait (Zait: col. 3, lns.

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46-col. 4, lns. 5; fig. 3) and it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Zait in the system of Dettinger in view of improving the efficiency of the searching system.

Regarding Claim 9, Dettinger and Zait disclose the method further comprising providing, by the computer, a command option within the API to manually execute the search query (Dettinger: col. 17, lns. 34-42; col. 18, lns. 2-21).

Regarding Claim 10, Dettinger and Zait disclose the method further comprising presenting, by the computer, the records when the command option is selected (Dettinger: col. 17, lns. 34-65).

Regarding Claim 11, Dettinger and Zait disclose the method wherein the providing of the search generating module further includes interfacing the API to the search generating module over a network (Dettinger: col. 4, lns. 43-52; col. 6, lns. 13-31).

Regarding Claim 12, Dettinger and Zait disclose the method wherein the providing the API further includes interfacing the API to one or more automated applications (Dettinger: col. 5, lns. 56-col. 6, lns. 31).

Regarding Claim 16, Dettinger and Zait disclose the system wherein the search query interface includes a Graphical User Interface (GUI) application for receiving the search

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constraint and the control field identifier and an Application Programming Interface (API) that interfaces the GUI application to the search generating module (Dettinger: col. 4, lns. 43-52; col. 6, lns. 13-31; col. 7, lns. 50-col. 8, lns. 5; col. 16, lns. 3-29, col. 17, lns. 34-42; col. 18, table III).

Regarding Claim 17, Dettinger and Zait disclose the system wherein the search generating module automatically executes the search query and presents the records to the search query interface (Dettinger: col. 4, lns. 23-36 & 43-52; col. 6, lns. 13-31; col. 17, lns. 34-65).

Regarding Claim 18, Dettinger and Zait disclose the system wherein the search generating module executes the search query and presents the records to the search query interface when instructed to do so by the search query interface (Dettinger: col. 4, lns. 23-36 & 43-52; col. 6, lns. 13-31; col. 17, lns. 34-65).

9. Claims 13 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dettinger in view of Zait, as applied to claims 8-12, 15-18 and 21 above, further in view of U.S. Patent No. 5,948,040 issued to DeLorme et al. (hereinafter DeLorme).

Regarding Claim 13, Dettinger and Zait do not explicitly disclose the method further comprising interfacing, by the computer, the records automatically after the search query is executed a marketing campaign module, however such a feature is well known in the art as disclosed in DeLorme (DeLorme: col. 31, lns. 16-41; col. 64, lns. 56-col. 65, lns. 13 - as a marketing online advertisement) and it would have obvious to one of ordinary skill in the art at the

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time of invention to modify the teachings of DeLorme in the systems of Dettinger and Zait in view of improving the efficiency of the searching system.

Regarding Claim 22, Dettinger and Zait do not explicitly disclose the system wherein the system is interfaced to a customer segmentation module, however such a feature is well known in the art as disclosed in DeLorme (DeLorme: col. 9, lns. 65-col. 10, lns. 9; col. 33, lns. 30-52) and it would have obvious to one of ordinary skill in the art at the time of invention to modify the teachings of DeLorme in the systems of Dettinger and Zait in view of improving the efficiency of the searching system.

Regarding Claim 23, Although Dettinger and Zait disclose the system wherein the system is used an instance of the search constraint and wherein the control filed identifier (Dettinger: col. 16, lns. 3-29, col. 17, lns. 34-42; col. 18, table III), Dettinger and Zait do not explicitly disclose the feature of generating a travel customer segmentation population based on a marketing campaign's search constraint representing is a trip identifier. However, such a feature is well known in the art as disclosed in DeLorme discloses (DeLorme: col. 9, lns. 65-col. 10, lns. 9; cols. 64, lns. 56-col. 65, lns. 13) and it would have obvious to one of ordinary skill in the art at the time of invention to modify the teachings of DeLorme in the systems of Dettinger and Zait in view of improving the efficiency of the searching system.

Regarding Claim 24, Dettinger and Zait and DeLorme disclose the system wherein the marketing campaign's search constraint includes at least one of a hotel stay constraint, a rental

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car constraint, a destination constraint, and a layover constraint (Dittinger: col. 4, lns. 23-40; col. 6, lns. 32-57) and (DeLorme: col. 14, lns. 24-35).

10. Claims 14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dittinger in view of Zait, as applied to claims 8-12, 15-18 and 21 above, further in view of U.S. Patent No. 6,334,131 issued to Chakraburti et al. (hereinafter Chakraburti).

Regarding Claims 14 and 19, Although Dittinger and Zait disclose the method further comprising, by the computer, the search constraint (Dittinger: col. 4, lns. 23-40; col. 6, lns. 32-57), Dittinger and Zait do not explicitly disclose the feature of generating hierarchies from portions of the records when the search query is executed, wherein each hierarchy represents an aspect. However, such a feature is well known in the art as disclosed in Chakraburti (Chakraburti: col. 9, lns. 65- col. 10, lns. 15 - as directing the search to the relevant section) and it would have obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Chakraburti in the systems of Dittinger and Zait in view of improving the efficiency of the searching system.

Regarding Claim 20, Dittinger and Zait and Chakraburti disclose the wherein the hierarchies are linked to fields in the data store and can be activated from the search query interface to present different views of the hierarchies (Dittinger: col. 4, lns. 23-40; col. 6, lns. 32-57) & (Chakraburti: col. 9, lns. 65-col. 10, lns. 15 & 20-33).

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Response to Arguments

11. Applicant's arguments with respect to claims 8-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon- Fri 8:00 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Etienne P LeRoux/
Primary Examiner, Art Unit 2161

Monica M Pyo
Examiner
Art Unit 2161

07/2009